



REC Region 3 Update

August 2004



LINK HELP	1
SPOTLIGHT ON	1
2004 Closing the Circle Awards - Honorable Mention	1
2003 Secretary Of Defense Award	2
TRUE CRIME STORIES	2
GENERAL INTEREST	3
FEDERAL NEWS	3
CAA	3
CULTURAL RESOURCES	4
NATURAL RESOURCES	4
NEPA	5
POLLUTION PREVENTION	6
RCRA	6
RECYCLING	7
SPCC	7
SUSTAINABILITY	7

WATER	8
STATE NEWS	9
DELAWARE	9
DISTRICT OF COLUMBIA	9
MARYLAND	9
PENNSYLVANIA	10
VIRGINIA	10
CHESAPEAKE BAY PROGRAM	11
ECO TIP OF THE MONTH	11
PERSONAL DEVELOPMENT	12
CONFERENCES	12
TRAINING	12
MEET THE REC	13
STAFF	13
SUBSCRIBE!	13

LINK HELP

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SPOTLIGHT ON

2004 Closing the Circle Awards - Honorable Mentionⁱ

The White House Closing the Circle Awards program recognizes Federal employees and their facilities for efforts that resulted in significant contributions to or made a significant impact on the environment. The awards focus on waste prevention, recycling, and green purchasing activities under [E.O. 13101](#), environmental management under [E.O. 13148](#), and green/sustainable buildings under both executive orders. For the 2004 Awards program, Region III has an honorable mention. [Table of Contents](#)

Naval Air Station, Patuxent River - Recycling

The recycling program at the Patuxent River Naval Air Station involves marketing, education, outreach, and operational partnerships, in order to obtain effective results. This station recycles more than 30 different commodities,

including construction and demolition debris. Through extensive marketing techniques, this program targets education in order to persuade the community to recycle. Educational messages and stories are distributed throughout cultural media like television, magazines, newspapers, and

monthly meetings. In fact, new base assignees are required to attend a meeting in order to learn about the recycling efforts.

After educating the community about the importance of recycling, the Patuxent River Station recycling program organized curbside recycling pick-up and established three 24-hour satellite location collections for convenience.

Patuxent River has worked with local government agencies to obtain win-win results. For example, in a partnership with Calvert County, Patuxent River provides the county

with wooden pallets in exchange for the county's corrugated material. Patuxent River processes the corrugated materials in order to receive the recycling revenue. Thus, both partners gain value from the relationship. In a partnership with St. Mary's County, Patuxent River gives the county its yard and timber waste to process into mulch, in exchange for purchasing the mulch to use for landscaping needs. St. Mary's County gains a profit, and Patuxent avoids paying disposal fees. For more information, please contact Christopher Hill at (301) 342-4687 or

Christopher.m.hill@navy.mil. [Table of Contents](#)

2003 Secretary Of Defense Award

Naval Air Station, Patuxent River, Honorable Mention

Bravo Zulu to Patuxent River for recently receiving an Honorable Mention in the 2003 Secretary of Defense Awards for a Team in the Environmental Excellence in Weapon System Acquisition category for their work on the F/A-18E/F & EA-18G Acquisition Program. The F/A-18 Program Team is structured along the lines of product-focused, multi-disciplinary, contractor/government Integrated Product Teams (IPTs). The environmental IPT is known as the Green Hornet Team (GHT) and is chartered by the F/A-18 Program Manager to incorporate awareness of environment, safety, and occupational health (ESOH) concerns and responsibility for pollution prevention in the decision-making process. The GHT is a multi-disciplinary

and interactive group responsible for advising F/A-18 Program Managers on initiatives and solutions to eliminate or minimize ESOH impact with respect to the F/A-18 manufacture, test and evaluation, integrated logistics support, maintenance, operations, training, and eventual disposition of the aircraft at the end of its useful life. The GHT also oversees execution of the F/A-18 Hazardous Material Management Programs for airframe, engines, and all other elements of the F/A-18E/F & EA-18G Acquisition Programs. More information on the Patuxent River F/A-18 Program Team is available at:

https://www.denix.osd.mil/denix/Public/News/OSD/SecDef03/EEWS/eews_aqc_award.pdf. [Table of Contents](#)

TRUE CRIME STORIES

Ship's Engineer Who Alerted Authorities About Illegal Discharges Awarded \$2 Million

A crew member who alerted authorities that a tanker ship was illegally dumping thousands of gallons of waste oil and sludge at sea will receive half of the \$4.2 million fine that the owners have been ordered to pay. The reward was issued under the bounty provision of the [Act to Prevent Pollution from Ships](#), which allows courts to award up to 50 percent of a criminal fine to those providing information leading to a conviction. More information is available at: <https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/09Aug04/10.doc.html>. [Table of Contents](#)

Ship Crew Members Awarded \$1 Million for Reporting Illegal Oil Dumping

A federal court awarded \$1 million to three crewmembers who informed authorities that a shipping company had illegally dumped thousands of gallons of waste oil and other contaminants from its vessels. The U.S. District Court for the Northern District of Iowa sentenced Sabine Transportation Co. of Cedar Rapids to pay a \$2 million fine and awarded half the amount to three employees who

informed the U.S. Coast Guard of the illegal activities. For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/11Aug04/05.doc.html>. [Table of Contents](#)

Furniture Shop Owner Admits Illegal Discharges

The owner of a Santa Monica furniture stripping and refinishing business pleaded guilty to one misdemeanor violation of the federal Clean Water Act and a felony violation of the federal Resource Conservation and Recovery Act for illegally discharging solvents and acids into the city's sewer system and illegally storing hazardous wastes. The criminal charges stemmed from an investigation launched following an injury of a worker who was repairing a 36-inch sewer line located in front of and 20-feet below the shop. Rescued by co-workers, the worker sustained third-degree burns and cardiac arrest after chemicals discharged into the sewer soaked his clothing. For the full story go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/21Jul04/20.doc.html>. [Table of Contents](#)

Weyerhaeuser Fined \$900,000 For Alleged NSR Violations

The Weyerhaeuser Co. installed air pollution controls at its northwestern **Pennsylvania** kraft pulp and paper mill and will pay a \$900,000 penalty to settle alleged violations of the Clean Air Act's New Source Review (NSR) provisions. EPA and PA DEP alleged Weyerhaeuser modified and operated two coal-fired power boilers without installing air pollution control equipment required under NSR provisions. The mill, located in Johnsonburg, PA, was charged with these alleged violations in 1999. In October 2003, the company completed installation of state-of-the-art sulfur dioxide scrubbers on the plant's power boilers, at a cost of about \$5.5 million. The consent decree requires Weyerhaeuser to operate these scrubbers in accordance with standards designed to reduce sulfur dioxide air emissions by up to 95 percent. Sulfur dioxide contributes to acid rain, which destroys lakes, rivers, streams, and crops and might aggravate existing respiratory diseases such as asthma and emphysema. In addition, sulfur compounds in the air contribute to impaired visibility. For the full story, go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/26Jul04/17.doc.html>. [Table of Contents](#)

Minnesota Pays \$111,000-Plus To Developer In Dismissed Stormwater Discharge Litigation

The Minnesota Pollution Control Agency (MPCA) paid more than \$100,000 in attorney's fees to a developer who

had sued it under the Minnesota Equal Access to Justice Act. An Olmsted County District Court ordered the award, finding that the MPCA had no basis for ordering the developer to build a stormwater pond on a residential development.

The MPCA investigated the residential development in 2000 after a temporary pond there was drained, and a small amount of water and sand flowed onto neighboring property. MPCA determined that the developer had violated state regulations by not having a NPDES permit and ordered him to pay a \$4,450 penalty and help fund a regional stormwater pond. The District Court overturned the agency order, holding that it did not have a case. The court said the agency's position that an NPDES permit is required for all construction projects that disturb more than five acres of land, regardless of whether they discharge into state waters, had no reasonable basis in fact or law. The court further wrote that it appeared undisputed that stormwater from the development's additions was diverted to open fields and did not reach navigable waters.

MPCA disagreed with the court's decision but chose not to appeal the ruling. For more information go to: <https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/15Jul04/20.doc.html>. [Table of Contents](#)

GENERAL INTEREST

Federal Court Postpones Hearing On 'Ghost Ship' Transfer to UK

A federal court postponed a hearing on the U.S. Maritime Administration's (MARAD) plan to send obsolete naval vessels from the James River in Virginia to the United Kingdom for dismantling and recycling until 1 Oct. The Basel Action Network and the Sierra Club sued MARAD and EPA in Sep 03, alleging significant environmental

harm could result if U.S. officials follow through on their plan to export the ships. The lawsuit had alleged the planned vessel transfer violates the prohibition of exporting polychlorinated biphenyls under the Toxic Substances Control Act. More information is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/05Aug04/29.doc.html>. [Table of Contents](#)

FEDERAL NEWS

CAA

NESHAP-Chromium Emissions From Electroplating And Anodizingⁱⁱ

EPA finalized amendments to the NESHAP for hard and decorative chromium electroplating and chromium anodizing. The amendments:

- accommodate the use of fume suppressants for controlling chromium emissions from hard chromium electroplating tanks;
- accommodate an alternative standard to the existing concentration emission limit for hard chromium electroplating tanks equipped with enclosing hoods;
- change the definition of chromium electroplating and anodizing tank to include all ancillary equipment

necessary to accomplish electroplating or anodizing so that existing electroplaters and anodizers do not become subject to new source standards due to unintended reconstruction determinations; and

- amend the monitoring requirements for composite mesh pads by expanding the acceptable pressure drop range.

More information is available at:

<http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/pdf/04-16206.pdf>

Conformity Analysis And the 8-Hour Ozone Rule

This article is located in the NEPA section. Click [here](#) to read it. [Table of Contents](#)

New Reference Methods For NO₂ And PM_{2.5}ⁱⁱⁱ

EPA designated one new reference method for measuring concentrations of Nitrogen Dioxide (NO₂), and three new equivalent methods for measuring concentrations of PM_{2.5} in ambient air.

The new reference method for NO₂ is an automated method that utilizes the gas phase chemiluminescence measurement and calibration, and is described as: RFNA-0804-152, "SIR S.A. Model S-5012 Chemiluminescent Nitrogen Oxides Analyzer."

The three new equivalent methods for PM_{2.5} are manual monitoring methods and use a specific, very sharp cut cyclone (VSCC(TM)) as the principle particle size separation device rather than the WINS impactor used in the corresponding reference method sampler. The methods are identified as Class II equivalent methods, which means

they are based on an integrated, filtered air sample with gravimetric analysis, but with substantial deviation from the specifications for reference methods.

As a designated reference or equivalent method, each of these methods is acceptable for use by states and other air monitoring agencies under the requirements of 40 CFR part 58, Ambient Air Quality Surveillance.

More information is available at:

<http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/pdf/04-18028.pdf>.

[Table of Contents](#)

Additional Information Supporting The Rule To Reduce Interstate Transport Of Fine Particulate Matter And Ozone^{iv}

EPA put additional information in the Clean Air Interstate Rule (CAIR) docket including a new modeling platform that EPA proposes to use to support the proposed rule.

This new modeling platform consists of:

- new meteorological data;
- updated emissions data;
- an updated air quality model;
- revised procedures for projecting future air quality concentrations; and
- revised state NO_x budgets.

More information is available at:

<http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/pdf/04-18029.pdf>.

CULTURAL RESOURCES

Protection Of Historic Properties^v

The Advisory Council on Historic Preservation (ACHP) issued a final rule amending how federal agencies account the effects of their undertakings on historic properties. The amendments clarify that ACHP opinions are merely advisory when reviewing federal agency findings of "no

historic properties affected" or "no adverse effect" and do not require the Federal agencies to reverse their findings.

The final rule and more information is available at:

<http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/pdf/04-15218.pdf>

[Table of Contents](#)

NATURAL RESOURCES

CEQ Seeks Consistent Way To Count Wetlands Gains

The White House Council on Environmental Quality (CEQ) is convening a new task force to ensure federal agencies adopt consistent methods for counting wetlands gained or lost each year. An EPA official says the administration is seeking to ensure that agencies do not overestimate wetland

gains. "We want to make sure agencies are accounting correctly and not double counting," the EPA source says.

In an 22 Apr Earth Day speech, President Bush pledged the federal government would "restore and create" one million acres, improve the quality of one million acres and protect at least one million acres of wetlands over the next five years -- a more aggressive goal than previous

administration policies. As part of the effort to ensure consistent wetlands measurement practices, administration officials are pointing to recommendations contained in a July 03 interagency guidance document, "[An Introduction and User's Guide to Wetland Restoration, Creation, and Enhancement](https://www.denix.osd.mil/denix/DOD/News/Pubs/PAL/21Jul04/17.doc.html)"^{vi}, as the method federal agencies should use to properly count wetlands gained through mitigation and conservation programs. The full story is available at: <https://www.denix.osd.mil/denix/DOD/News/Pubs/PAL/21Jul04/17.doc.html>. [Table of Contents](#)

Burn, Baby, Burn^{vii}

On 7 May 04, the Air Force obtained the concurrence of Region IV of the EPA that prescribed burning is not subject to section 112 of the Clean Air Act, and thus it is not subject to major (stationary) source determinations for hazardous air pollutants. In seeking the concurrence, which would cover prescribed burns at Cape Canaveral, the Air Force sent a well-reasoned letter to EPA's regional office in February. That letter made the following points: 1) EPA included a statement in a section 112 rulemaking, noting that EPA believed that wild and prescribed fires would not be subject to the section 112 regulations. 2) EPA discussed the meaning of "source" for purposes of State Implementation Planning in 1980, and the meaning incorporated the common sense notion of a "plant," which would not include prescribed forest burning. 3) The definition of "stationary source" in the CAA and various regulations refers only to a "building, structure, facility, or installations," which does not encompass a controlled burn of a vegetated area of land, as it appears to cover only manmade structures. 4) In the preamble to the rule on mobile sources, EPA distinguished mobile and stationary sources from "other sources such as forest fires." 5) Neither the National Park Service nor the U.S. Forest Service treats prescribed burning as a stationary source. Although the Region IV letter does not bind other EPA regions, Air Force's reasoning is persuasive on this issue, and we would expect other EPA regions to reach similar conclusions. [Table of Contents](#)

Buffer Zone Funding

An alliance of eighteen environmental and recreational non-government organizations (NGOs) has asked the Chairman and Ranking Member of the Defense Subcommittee of the House Appropriations Committee to set aside a \$250 million in FY 2005 to allow DoD to buy land, or interests in

land, to avoid encroachment. The organizations promoting this scheme recognize that "the Department of Defense is faced with a serious and growing threat to its ability to maintain the readiness of our Armed Forces." Their letter notes that:

"Those of us who have been privileged to work in close partnership with the military have the deepest respect and admiration for the dedicated professionals, uniformed and civilian, who do so much to ensure that as they protect our Nation they also meet their obligations as stewards of the lands entrusted to their care. Their efforts, and the unique nature of military activities, have resulted in our military bases having some of the best remaining habitat in the country and functioning as key reservoirs of the biodiversity so fundamental to an enduring and healthy environment. Many of us are expanding our partnerships with the military to include efforts under the Readiness and Environmental Protection Initiative to protect key lands and habitat in the vicinity of their bases."

A copy of the complete letter may be found at <http://www.muledeer.org/BufferFundingHouseGroupLetter.pdf>. [Table of Contents](#)

EPA Publishes Best Environmental Practices For Using Old Ships To Build Artificial Reefs^{viii}

The EPA published a guidance document outlining best environmental practices for preparing decommissioned military and commercial ships for ocean dumping to create artificial reefs. The notice identifies harmful materials that may be aboard vessels, such as fuels and oil, asbestos, polychlorinated biphenyls (PCBs), paints, and contaminated debris. For each material identified, the guidance provides a general performance clean-up goal and information on methods for attaining those clean-up goals in preparation of the vessel prior to sinking. The guidance is required under Section 3516 of the National Defense Authorization Act for Fiscal Year 2004. Please send comments or concerns to [Gary Koerber](#) by comments 24 Sep. The document, "**Draft National Guidance: Best Management Practices for Preparing Vessels Intended to Create Artificial Reefs**," is available at:

<http://www.epa.gov/owow/oceans/habitat/artificialreefs/guidance.html>. More information is available at: <http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/pdf/04-17502.pdf>.

NEPA

Conformity Analysis And The 8-Hour Ozone Rule

With the advent of the 8-Hour Ozone rule, the threshold emissions for New Source Review in your area may have changed. The table below provides a brief overview of the

8-hour Ozone classifications and the corresponding conformity requirements. Bear in mind that your State must adopt this rule before these requirements apply to you.

More information is available:

<http://www.epa.gov/ozonedesignations/index.htm>

8-Hour Ozone Classification Requirements ^{ix}					
		Classified (Subpart 2)			
Requirement	Basic (Subpart 1)	Marginal	Moderate	Serious	Severe
Conformity (transportation and general)	Required	Required	Required	Required	Required
Amount of emissions that trigger New Source Review and technology requirements for large sources of emissions (known as Reasonably Available Control Technology)	100 tons per year (TPY)	100 tons TPY (Except 50 TPY for VOC in the Ozone Transport Region)	100 TPY (Except 50 TPY in the Ozone Transport Region)	50 TPY	25 TPY
NSR offsets	at least 1 to 1	1.1 to 1	1.15 to 1	1.2 to 1	1.3 to 1

Ozone Transport Region is defined by the Clean Air Act section 184(a). It is comprised of **DC**, **CT**, **DE**, **ME**, **MD**, **MA**, **NH**, **NJ**, **NY**, **PA**, **RI**, **VT**, and the **portion of Virginia** that is part of the DC CMA. [Table of Contents](#)

POLLUTION PREVENTION

Senate Reauthorizes Popular Energy Savings Contract Program

The Senate approved a measure reauthorizing the federal government's Energy Savings Performance Contracts (ESPC) program through October 2005, after pleas from the Bush administration and dozens of House and Senate members to revive the popular contracts DoD and other federal agencies use to finance energy efficient improvements at their facilities. The Senate passed the measure as part of a block of manager's amendments attached to the fiscal year 2005 defense authorization bill. The Senate approved the bill 23 Jun in a 97-0 vote. The temporary, rather than permanent, extension of the ESPC program was a compromise reached with the Senate Budget Committee, which agreed not to raise a point of order on it.

Reauthorization of the program, which lapsed at the end of FY03, had stalled due to a financial liability attached to the program when the Congressional Budget Office (CBO) scored it for the first time. CBO estimated the program, which was first authorized in 1992, would cost the government \$3 billion over 10 years to implement, but proponents have rejected that estimate, saying the true cost is zero. CBO only scored the contractual obligations of the ESPCs, but payments for ESPC projects can only be paid out of cost savings from reduced energy costs, so no additional money is paid out by the government. For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DEA/29Jun04/05.doc.html>. [Table of Contents](#)

RCRA

EPA Narrows Issues For Reforming Hazwaste Generator Program

In response to comments received from industry and the U.S. Navy, EPA officials identified three priority issues for reform in the agency's Resource Conservation & Recovery Act (RCRA) hazardous waste generator program. While the agency is also considering a number of other issues for reform, EPA agrees that the three major issues targeted by industry and the Navy for reform are valid. The three issues identified in the comments are: (1) how much time to

allow industry to accumulate waste before being required to seek a permit; (2) how to regulate waste stored at satellite sites; and (3) how to account for episodic spikes in waste volume. The Navy and industry groups are urging EPA to double the number of days generators can accumulate waste without having to file for a storage permit, from 90 days under current rules to 180 days. The change would improve the RCRA program by reducing the handling of wastes and the transportation of partial loads, lowering waste management costs. More information is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/PAL/04>

[Aug04/01.doc.html](#). [Table of Contents](#)

RECYCLING

Tire Recycling Rate Soars To 80 Percent^x

The Rubber Manufacturers Association (RMA) reports the average recycling rate for used tires jumped to a record 80 percent in 2003, compared to just 11 percent in 1990. In its biennial report, RMA reports that the leading use for scrap tires is now reprocessing to create fuel, which is typically used as a supplemental fuel in steel, cement, and paper plants. Other scrap uses include road and landfill construction and playground and sports surfaces. Ground rubber reuse is one of the largest markets for scrap tires, consuming more than 28 million tires in 2003. One of the fastest growing markets for ground rubber is its application

in athletic and recreational surfaces. Rubber-modified asphalt is another market that uses ground rubber to produce more durable roads. RMA "has worked to enact state scrap tire cleanup laws and regulations; and to help develop markets that create new uses for scrap ties," said RMA senior technical director Michael Blumenthal. Of the remaining stockpiles, 91 percent are concentrated in 11 states: Alabama, Colorado, Connecticut, Michigan, New Jersey, New York, Ohio, **Pennsylvania**, Texas, Massachusetts, and Washington. The Rubber Manufacturers Association report, "U.S. Scrap Tire Markets 2003", is available at: <http://www.rma.org>.

SPCC

EPA Extends Deadline 18 Months For Meeting Prevention, Control Measures^{xi}

According to a final rule published by EPA, facilities that store oil will have an extra 18 months to comply with rules on oil spill prevention and control. The extension is being made for all facilities covered by the Spill Prevention, Control, and Countermeasure rule revisions. These revisions, issued in a final rule published July 2002, require onshore and offshore facilities to comply with certain oil spill prevention and control requirements under the Clean Water Act. The requirements are designed to prevent spills

from facilities that store oil near navigable waters or at offshore facilities. Many industries, including the petroleum and small business sectors, told EPA they could not meet that deadline, prompting EPA to issue the extension. The 18-month extension took effect 11 Aug. The final rule is available at:

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2004_register&docid=fr11au04-11.pdf. More information is available at: <https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/11Aug04/22.doc.html>. [Table of Contents](#)

SUSTAINABILITY

Encroachment At Military Installations

The National Governors Association (NGA) Center for Best Practices, Environment, Energy, and Natural Resources Division released a brief titled, "State Strategies to Address Encroachment at Military Installations." The brief describes what steps states and localities are taking to address the problem of civilian encroachment.

The issue brief states that in order to protect the missions of military installations and the health of the economies that rely on them, states and localities are taking steps to address encroachment. Those steps include:

- Drafting state legislation that requires compatible land use;
- Enacting local zoning, planning, and noise requirements;
- Using existing statutory authority to designate the land surrounding military installations as areas of critical state concern;

- Acquiring property surrounding military installations; and
- Creating state military advisory bodies.

A handful of states have moved to acquire land surrounding military bases through purchasing the land, partnering with conservation groups or trading the property. Oklahoma, Arizona, Florida and Nevada have purchased land near some of their bases, using a combination of local, state and federal funds. And Florida, Minnesota, California, Colorado, Oklahoma, Washington, Arizona and North Carolina have partnered with conservation groups, or are exploring ways to partner with these groups, to protect land around installations from development. This has become a more attractive option for states after Congress in 2003 passed legislation formally authorizing the military to participate in these types of partnerships. The brief is available at:

http://www.nga.org/center/divisions/1,1188,C_ISSUE_BRIEF^D_5147,00.html. [Table of Contents](#)

WATER

Suit Tests U.S. Agencies' Liability For Water Utilities' Stormwater Fees

Municipal wastewater treatment officials are preparing to file *amicus curiae* briefs in a case that may set a precedent on whether federal facilities are required to pay user fees to the utilities that handle their stormwater runoff. At issue in the case, *City of Cincinnati v. United States*, is whether the fees charged by municipal stormwater utilities constitute "service charges" or taxes. Under Clean Water Act (CWA) section 313, the federal government is obligated to comply with state and local environmental requirements, "including the payment of reasonable service charges." However, the National Institute for Occupational Safety & Health (NIOSH) has declined to pay over \$100,000 in stormwater management utility charges for facilities it operates in Cincinnati, claiming that the charges constitute a tax. The U.S. Constitution prevents local and state governments from taxing the federal government, including federal agencies such as NIOSH. The case is significant because it may set a precedent allowing federal facilities to avoid paying standard service charges for utility services -- particularly stormwater utility fees. More information is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/PAL/07Jul04/21.doc.html>. [Table of Contents](#)

Filter Backwash Recycling Rule

EPA is issuing the Implementation Guidance for the Filter Backwash Recycling Rule (FBRR) to assist EPA Regions and States with implementation of the rule's provisions. Along with a summary of the rule, the document contains guidance for preparing State primacy revision applications, rule fact sheets, a quick reference guide, data entry instructions, and flowcharts of rule requirements. An electronic version can be found on the EPA website at www.epa.gov/safewater/filterbackwash.html.

Mandatory Ballast Water Management Program For U.S. Waters^{xii}

The Coast Guard released mandatory ballast water management practices for all commercial vessels, equipped with ballast water tanks, bound for ports or places within the U.S. or entering U.S. waters. The program requires all vessels, after operating beyond the Exclusive Economic Zone, to employ at least one of the ballast water management (BWM) practices. **Coast Guard and DoD vessels are exempt from this requirement. Ballast water discharges from DoD vessels will be regulated under the Uniform National Discharge Standards (UNDS) program.** National ballast water discharge data is publicly

available at: <http://invasions.si.edu/NBIC/ballast.html>. This final rule is effective 27 Sep 04. The BWM practices, along with additional information, is available at: <http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/pdf/04-17096.pdf>

Draft EPA NPDES Permitting Approach For Point Source Discharges Of Nutrients Into The Chesapeake Bay

The EPA is accepting comments on a draft National Pollution Discharge Elimination System (NPDES) permitting approach for reducing discharges of nutrients to the Chesapeake Bay from significant point sources. EPA believes the additional nutrient reductions from point source discharges are necessary to achieve the water quality goals for the Chesapeake Bay and expects NPDES permitting authorities to issue permits with conditions and limits consistent with the applicable state tributary strategy. The draft approach includes regulating nitrogen and phosphorus discharges with annual load limits in permits, using watershed permits where appropriate and incorporating compliance schedules with 2010 deadlines. EPA also intends to closely review nutrient reduction requirements that are placed in permits of significant dischargers. The proposal is available at:

http://www.epa.gov/region3/pdf/epa_permitting_approach_71604.pdf. If you have comments or concerns, send them to [Will Bullard](#) by 8 Sep 04. More information is available at <https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/29Jul04/19.doc.html>. [Table of Contents](#)

Storm Water Best Management Practices (BMP) Decision Support Tool

The Storm Water BMP Decision Support Tool is designed to assist Navy environmental professionals and their contractors in assessing methods of reducing pollution in storm water runoff. The web site can also be used as an educational tool by those new to the field of storm water management. The Decision Support Tool contains Storm Water BMPs that can be used in pollution prevention and treatment efforts. The BMP Support Tool is located at: <http://enviro.nfesc.navy.mil/stormwaterbmp/default.asp>.

Beach Closures, Advisories Top 18,000 In 2003, Set New Record

More than 18,000 beaches were closed or had advisories issued for them in 2003 because of polluted water, topping all previous numbers from environmental groups. In comparison, there were 12,000 reported closings and

advisories in 2002. The increase was due both to better monitoring of beach water and the failure of municipalities to identify and control pollution. Most of the closings and advisories in 2003 were due to high bacteria levels, indicating the presence of human and animal waste. High bacteria levels are usually due to inadequately treated sewage and contaminated stormwater. One of the report's most disturbing findings is that local authorities did not

know the sources of pollution for 68 percent of the closings and advisories in 2003.

The report, **Testing the Waters: A Guide to Water Quality at Vacation Beaches**, is available at <http://www.nrdc.org/water/oceans/ttw/titinx.asp>. More information is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/06Aug04/21.doc.html>. [Table of Contents](#)

STATE NEWS



DELAWARE



Discharge Reporting Requirements

The Department of Natural Resources and Environmental Control adopted several minor corrections to the list of substances associated with the current regulation that describes the requirements for reporting the environmental

release or discharge of a pollutant or air contaminant. More information is available at:

http://www.state.de.us/research/register/july2004/final/8%20DE%20Reg%20126%2007-01-04.htm#P9_231



DISTRICT OF COLUMBIA



Lead In Drinking Water^{xiii}

The Government Accounting Office (GAO) provided testimony to Congress on problems with lead in drinking water in the District of Columbia. Responding to tapwater samples with high lead levels (reported by local news media), the District of Columbia Water and Sewer Authority has identified some customers who have lead service pipes and is in the process of obtaining more

complete information. The testimony also discusses lead leaching from soldered fittings in other water systems. The GAO testimony asserts that little research has been done to determine actual lead exposure from drinking water, and that the information that does exist is dated. GAO indicated they intend to examine the plans of EPA and other organizations to fill this "key information gap."

[Table of Contents](#)



MARYLAND



MD Water Quality Standards Amendments

Maryland has adopted amendments to their water quality regulations based on a Triennial Review. The amendments update and revise various numeric or narrative water quality standards including color, temperature, bacterial indicators, and toxic substances; provide specific protection for federally endangered species within mixing zones; create a new water quality standard using biological communities to

assess the health of water bodies; and add implementation procedures for the existing antidegradation policy. None of the amendments are considered more restrictive or stringent than federal standards. The amendments revised the Maryland Code of Regulations at COMAR 26.08.02 (.03, .03-2, .03-3, .05, .08), COMAR 26.08.03.03, COMAR 26.08.04.02-3, and COMAR 26.08.09 (.01 through .10).

[Table of Contents](#)



PENNSYLVANIA



Lawmakers Reject Fee Hikes To Fund Environmental Initiatives In Fiscal 2005

Governor Edward Rendell signed a \$22.8 billion state spending plan for fiscal year 2005 (H.B. 2579) that included none of the fee increases he sought in his February budget proposal to fund environmental initiatives. Rendell recommended a new fee of 15 cents a pound on hazardous waste emissions, a new charge of \$4 per ton for residual waste disposal, and an increase of \$5 a ton in the state's solid waste disposal fee, which is now \$6.25 a ton. The revenues would have been used to pay off a proposed \$800 million bond issue to fund cleanup and reuse of contaminated industrial sites and open space preservation. But the Republican-dominated Legislature rejected the fee hikes, which they said would further burden Pennsylvania's struggling manufacturing sector and cost the state jobs. More information is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/08Jul04/22.doc.html>. [Table of Contents](#)

Operating Permit for Combustion Units

DEP adopted revisions to the following general plan approval and operating permit: BAQ-GPA/GP-1 for small gas and no. 2 oil fired combustion units. The changes clarify that the general permit may be used either as a general plan approval or as a general operating permit for one or more boilers in a facility, depending upon the conditions. In addition, a number of conditions have been changed to clarify that the authorization to continue operation under the general permit expires every 5 years, which is the same term for regular operating permits. For a copy of the revised plan, contact [Gary Koerber](#), USN or [Goutam Mookerjee](#) at DEP. [Table of Contents](#)



VIRGINIA



VA Tightening NPDES Permit Conditions And Limits On Point Source Discharges Into The Chesapeake Bay

The Department of Environmental Quality (DEQ) is tightening NPDES permits for point sources considered significant dischargers of nutrients into the Chesapeake Bay. At its June meeting, the State Water Control Board approved permits for Philip Morris USA and the town of Onancock requiring additional testing to determine the amount of nutrients released and to accelerate planning for the use of additional nutrient removal technology. They were also required to optimize existing operations. The permits stop short of requiring Philip Morris and Onancock to upgrade their treatment plants. Those pollution reduction requirements will be imposed, if appropriate, after Virginia completes development of new water quality standards in 2005. DEQ intends to develop similar permits for other industrial and municipal wastewater treatment plants identified as significant sources of nutrient pollution as each permit comes in for renewal. For DOD these facilities would include wastewater treatment plants at NSWC Dahlgren, MCB Quantico and Fort AP Hill. For additional information, go to:

<http://www.deq.virginia.gov/info/directorscorner.html> and <http://www.deq.virginia.gov/bay/multi.html>.

Restructured Fees

The Department of Environmental Quality restructured its solid waste, hazardous waste, air, stormwater discharge,

and stormwater construction permit fees pursuant to S.B. 365 and H.B. 1350. The new fees are available below.

Air fees:

<http://legis.state.va.us/codecomm/register/vol20/iss23/F9V580.DOC>

Hazardous waste fees:

<http://legis.state.va.us/codecomm/register/vol20/iss23/F9V2060.DOC>

Solid waste fees:

<http://legis.state.va.us/codecomm/register/vol20/iss23/F9V2090.DOC>

Stormwater permit fees:

<http://legis.state.va.us/codecomm/register/vol20/iss23/F9V2520.DOC>.

[Table of Contents](#)

iPay, uPay

The Department of Environmental Quality established a new on-line fee payment system called **DEQ iPay**. Benefits include real-time access to account history information and quick online payments that may save money by eliminating the cost of processing a traditional paper check. Participants must complete an on-line registration form. For more information, go to: https://www.deq.virginia.gov/Applicant/DEQ_Customer_info.Page Req. [Table of Contents](#)

CHESAPEAKE BAY PROGRAM

Chesapeake Bay Program Adopts New Indicator To Track Sprawl^{xiv}

States pledged to slow harmful sprawl by 30 percent when signing the Chesapeake 2000 agreement. To track sprawl, the Chesapeake Bay Program adopted impervious surfaces as its new measurement of "harmful sprawl." Impervious surfaces like roads and rooftops prevent rainwater from

naturally entering soils, and rapidly transfer pollution to local streams. Impervious cover increased in acres between 1990 and 2000. Reducing the rate 30 percent will save many acres from becoming impervious. The new indicator, "Chesapeake Bay Watershed Development Trends," can be viewed at:

<http://www.chesapeakebay.net/status.cfm?sid=197>

ECO TIP OF THE MONTH

Easy Home Recipes

Many common cleaning products are hazardous to your health if you ingest or touch them and to the environment when flushed down the drain or otherwise disposed of. They can even foul the air in your home. According to the EPA, fumes from household cleansers, paints, varnishes,

etc. in the typical home make the indoor air two to five times more polluted than the air outside. One solution is to concoct your own cleaners. Here are a few good cleaning recipes to try. Remember to label any leftover mixtures properly and store out of reach of children.

- **Glass cleaner:** Use half white vinegar and half water in a spray bottle for an easy and effective cleaner. You may have existing buildup from commercial products on your windows and surfaces. If this is the case, rub the glass with newspaper first to remove the residue before cleaning.
- **Furniture polish:** Plain olive oil, sometimes mixed with lemon oil or lemon juice, is a traditional furniture polish, but can feel greasy. Natural cleaning expert Annie Berthold-Bond recommends a less oily mixture that doesn't build up on furniture or go rancid in warm weather: one quarter cup of white vinegar with a few drops of olive oil. (Lemon juice may be substituted for the vinegar.)
- **Oven cleaner:** To clean your oven, sprinkle baking soda all over the bottom until it is covered completely with about 1/4 of an inch of baking soda. Then, using a clean spray bottle, spray the baking soda with water until the baking soda is thoroughly damp but not flooded. If necessary, dampen the baking soda again if it is drying out. Before going to bed, do it again. When you wake up in the morning, the baking soda can effortlessly be scooped out of the oven with a sponge, bringing all the grime with it. That's it! The only downside is that you need to rinse out the white residue left by the baking soda, but it sure beats Turkey à La Oven cleaner because there are no fumes!

For more information on do-it-yourself household cleaners, go to:

<http://www.newdream.org/consumer/makecleaner.html> [Table of Contents](#)

PERSONAL DEVELOPMENT

CONFERENCES

Table of Contents

National Recycling Coalition 23rd Annual Congress & Expo, 29 AUG-1 SEP, San Francisco, CA.

More information is available at: <http://www.nrc-recycle.org/congress/index.htm>.

Deconstruction Conference, 1-3 SEP, Oakland, CA.

More information is available at:

<http://www.DECON04.com>.

Low Impact Development Conference, 21-23 SEP, College Park, MD.

More information is available at:

www.mwcog.org/environment/lidconference.

10th Annual Buy Recycled & Environmentally Preferable Products (EPP) Vendor Fair and Conference, 26 OCT 04, Worcester, MA.

More information is available at:

http://www.mass.gov/epp/VFPAGES/save_the_date_card_2004.pdf

TRAINING

Table of Contents

DoD Solid Waste/Recycling Workshop & Wastecon, 20-23 SEP, Phoenix, AZ.

More information is available at:

http://www.magnetmail.net/actions/email_web_version.cfm?recipient_id=8486881&message_id=36626&user_id=swana

Workshop On Voluntary Wetland Restoration Opportunities In Virginia, 22 SEP 04, Roanoke, VA

More information is available at:

http://www.alliancechesbay.org/event.cfm?EVENT_ID=532.

2005 NMFVA Annual Training Session, 14-17 MAR 05, Arlington, VA,

CALL FOR PAPERS. FIRST CUT-OFF DATE: 1 Sep 04. Submit proposals to rhyse@adelphia.net.

More information is available at: www.nmfwa.org

**Qualified Recycling Program Course
Multiple Dates/Multiple Locations**

More information is available at:

<http://www.almc.army.mil/EMD/Page5.html>.

**EPA Regions 1, 2, 3, & 5 Training Courses
Multiple Dates/Multiple Locations**

More information is available at:

www.trainex.org.

MEET THE REC

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If you or your organization would like to submit an article, story, or picture for future newsletters, send them to [Gene Beale](#). Thanks.

ⁱ <http://www.ofee.gov/wpr/practices.htm>

ⁱⁱ Weekly Federal Register Summary, Week of 7/18/2004, Prepared By Naval Facilities Engineering Service Center

ⁱⁱⁱ Weekly Federal Register Summary, Week of 8/1/2004, Prepared By Naval Facilities Engineering Service Center

^{iv} Weekly Federal Register Summary, Week of 8/1/2004, Prepared By Naval Facilities Engineering Service Center

^v Weekly Federal Register Summary, Week of 7/4/2004, Prepared By Naval Facilities Engineering Service Center

^{vi} <http://www.epa.gov/owow/wetlands/restore/finalinfo.html>

^{vii} Washington Report for USN/USMC Attorneys, June 2004

^{viii} Weekly Federal Register Summary, Week of 8/1/2004, Prepared By Naval Facilities Engineering Service Center

^{ix} <http://www.epa.gov/ozonedesignations/ozonesamplerrequirements.htm>

^x <https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/26Jul04/20.doc.html>

^{xi} Weekly Federal Register Summary, Week of 8/8/2004, Prepared By Naval Facilities Engineering Service Center

^{xii} Weekly Federal Register Summary, Week of 7/25/2004, Prepared By Naval Facilities Engineering Service Center

^{xiii} Weekly Federal Register Summary, Week of 7/18/2004, Prepared By Naval Facilities Engineering Service Center

^{xiv} http://www.epa.gov/region03/ebytes/ebytes07_23_04.htm